DONELAN, CLEARY, WOOD & MASER, P.C.

UEC 2 - 1995 - 1 15 PM

ATTORNEYS AND COUNSELORS AT LAW **SUITE 750** 

1100 New York Avenue, N.W. Washington, D.C. 20005-3934

BOTTOM GENERAL SEIGH TELECOPIER: (202) 371-0900

0100908015

December <u>28</u>, 1995

New Recordation No.

Dear Mr. Williams:

OFFICE: (202) 371-9500

On behalf of NationsBanc Leasing Corporation of North Carolina, I submit for filing and recording under 49 U.S.C., Section 11303(a) and the regulations promulgated thereunder, executed counterparts of a primary document not previously recorded entitled Memorandum of Lease ("Lease"), executed December 28, 1995.

The parties to the enclosed Lease are:

NationsBanc Leasing Corporation of North Carolina — LESSOR NC1-002-38-20 101 South Tryon Street Charlotte, North Carolina 28255

Birmingham Southern Railroad Company -- LESSEE 135 Jamison Lane Monroeville, PA 15146

The said Lease, among other things, acts to lease by the Lessor to the Lessee onehundred four (104) coal cars as identified in Annex A thereto.

The equipment covered by the instant Lease is the equipment covered in Annex A thereto, namely one-hundred four (104) open top hopper coal cars.

A short summary of the Lease to appear in the ICC Index is as follows:

"Lease of 104 open top hopper coal cars."

Enclosed is a check in the amount of twenty one dollars (\$21.00) in payment of the filing fees.

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# Interstate Commerce Commission Washington, B.C. 20423-0001

12/28/95

Office Of The Berretary

Allen H. Harrison, Jr. Donelan, Cleary, Wood & Maser, P.C. 1100 New York Avenue, NW., Ste. 750 Washington, DC., 20005-3934

Dear Sir:

The enclosed document(s) was recorded pursuant to the provisions of Section 11303 of the Interstate Commerce Act, 49 U.S.C. 11303, on 12/28/95 at 1:15PM, and assigned recordation number(s). 19849.

Sincerely yours,

Vernon A. Williams Secretary

Enclosure(s)

(0100908015)

\$\frac{21.00}{\text{document filed}}\$ The amount indicated at the left has been received in payment of a fee in connection with a document filed on the date shown. This receipt is issued for the amount paid and in no way indicates acknowledgment that the fee paid is correct. This is accepted subject to review of the document which has been assigned the transaction number corresponding to the one typed on this receipt. In the event of an error or any questions concerning this fee, you will receive a notification after the Commission has had an opportunity to examine your document.

Junies M. Fort

Signature \

#### MEMORANDUM OF LEASE

On December 28, 1995, NATIONSBANC LEASING CORPORATION OF NORTH CAROLINA ("Lessor"), having its chief executive office at 101 South Tryon Street, NC1-002-38-20, Charlotte, North Carolina 28255, and BIRMINGHAM SOUTHERN RAILROAD COMPANY ("Lessee"), having its chief executive office at 135 Jamison Lane, Monroeville, Pennsylvania 15146, entered into a lease covering the coals cars as identified in the attached Annex A.

> NATIONSBANC LEASING CORPORATION OF NORTH CAROLINA

SENIOR VICE PRESIDENT

STATE OF NORTH CAROLINA

) SS:

COUNTY OF MECKLENBURG

On this the 19th day of December, 1995, personally came before me Herbert T. Thurau, who, being by me duly sworn, says he is Senior Vice President of NATIONSBANC LEASING CORPORATION OF NORTH CAROLINA and that said writing was signed by him in behalf of said corporation by its authority duly given. And the said Senior Vice President acknowledged the said writing to be the act and deed of said corporation.

WITNESS my hand and notarial seal, this the 19th day of December, 1995.

**SEAL** 

#### ANNEX A

### **Description of Equipment**

One Hundred Four (104) rapid discharge open top hopper railcars equipped with rotary couplers, all of which are marked NSPX and are numbered as follows:

## DONELAN, CLEARY, WOOD & MASER, P.C.

Once the filing has been made, please return to bearer the stamped counterpart(s) of the document not required for filing purposes, together with the letter/fee receipt from the ICC acknowledging the filing, and the two extra copies of this letter of transmittal.

Very truly yours,

Allen H. Harrison, Jr.

Attorney for the purpose of this filing for NationsBanc Leasing Corporation of

North Carolina.

The Honorable Vernon A. Williams Secretary Interstate Commerce Commission Washington, D.C. 20423

**Enclosures** 

**BY-HAND** 

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